

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **08/01/2011**

Received By: **mshovers**

Wanted: **As time permits**

Companion to LRB:

For: **Patricia Strachota (608) 264-8486**

By/Representing: **Sara**

May Contact:

Drafter: **mshovers**

Subject: **Tax, Individual - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Strachota@legis.wisconsin.gov**

Carbon copy (CC:) to:

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Limit the number of individual income tax checkoffs

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### **Instructions:**

Redraft 2007 AB 824 (LRB -3296)

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 08/11/2011	jdye 08/12/2011					State
/1			lparisi 08/15/2011		lparisi 08/15/2011		State
/2	mshovers 08/30/2011	kfollett 08/30/2011	jfrantze 08/30/2011		mbarman 08/30/2011	lparisi 08/31/2011	

FE Sent For:

*At intro 9/6/2011*

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/?	mshovers 08/11/2011	jdye 08/12/2011		_____			State
/1			lparisi 08/15/2011	_____	lparisi 08/15/2011		State
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#### Topic:

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#### Instructions:

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for/2, address OK concerns-- allow  
10 checkoffs-- the 9 permanent, &  
the special olympics, which has been introduced  
in both  
houses.

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/?	mshovers 08/11/2011	jdyer 08/12/2011					State
/1			lparisi 08/15/2011		lparisi 08/15/2011		

FE Sent For:

1215f  
8/30  
to  
8/30  
R  
8/30  
<END>

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/? mshovers

1/1 MES 8/11/11

FE Sent For:

<END>

## MEMORANDUM

February 21, 2008

**TO:** Marc Shovers  
Legislative Reference Bureau

**FROM:** Rebecca Boldt  
Department of Revenue

**SUBJECT:** Technical Memorandum on Assembly Bill 824: Limiting the Number of Individual Income Tax Checkoffs

The Department has the following concerns related to the bill:

It does not appear that sec. 71.10(3)(a) should be "Subject to sub. (5s)." Section 71.10(3)(a) relates to the state election campaign fund. The amendment to sec. 71.10(3)(a) should be eliminated and also the reference to subs. (3)(b) in sec. 71.10(5s)(c). *2011 WI Act 32 was R.P. in*

Section 71.10(5h)(b)1 should also include the phrase "Subject to sub. (5s)."

In the bill language, it is unclear what happens to those checkoffs that are removed from the income tax form and replaced. For example, they could be eliminated entirely or they could be reconsidered after the next 3-year period ends. *They can be reconsidered*

This bill eliminates the symbol requirements from the individual income tax forms. If the symbol elimination is also intended to be applied to corporate forms, sec. 71.30(10)(g) and (11)(g) should be amended.

If you have any questions regarding this technical memorandum, please contact Brad Caruth at (608) 261-8984 or [bradley.caruth@revenue.wi.gov](mailto:bradley.caruth@revenue.wi.gov).

cc: Representative Strachota

keep

FM NR

2011 2007 ASSEMBLY BILL 824

WANTED by 8/22  
IN 8/11

February 19, 2008 - Introduced by Representatives STRACHOTA, TOLES, BERCEAU, ALBERS, A WILLIAMS and VOS, cosponsored by Senator GROTHMAN. Referred to Committee on Ways and Means.

LPS  
PLW  
Done

4

replem

- 1 AN ACT to amend 71.10 (3) (a), 71.10 (5) (b) 1., 71.10 (5) (g), 71.10 (5e) (b) 1., 71.10
- 2 (5e) (g), 71.10 (5f) (b) 1., 71.10 (5g) (b) 1. and 71.10 (5m) (b) 1.; and to create
- 3 71.10 (5s) of the statutes; relating to: limiting the number of individual income
- 4 tax checkoffs. ✓

**Analysis by the Legislative Reference Bureau**

Under current law, an individual income tax check-off procedure exists that allows an individual who files a return to designate any amount of additional payment or any amount of a refund due for the endangered resources program. Similar checkoffs exist to provide payments to several other programs, including a veterans trust fund, ✓ prostate cancer research, ✓ multiple sclerosis programs, a fire fighters memorial, which is temporary and expires after \$400,000 is designated, and a breast cancer research program, and to provide a donation to a professional football stadium district. ✓

For taxable years beginning after December 31, 2007, ✓ taxpayers may not have the opportunity to make such a designation to more than seven checkoffs, not including temporary checkoffs, and no temporary checkoffs may be created after December 31, 2007. ✓ The bill also prohibits the Department of Revenue (DOR) from placing more than seven checkoffs on the income tax form, and repeals the current law provision that requires DOR to highlight certain checkoffs with a symbol. If any checkoff is created after December 31, 2007, and before January 1, 2011, it may not appear on the tax form, and no designations may be made to the checkoff, before January 1, 2011. ✓

2011

2011

2015

## ASSEMBLY BILL 824

Beginning in September ~~2011~~<sup>2014</sup> and every three years thereafter, the bill requires the secretary of revenue to rank the checkoffs in order of the amount of designations received during the previous three-year period. ✓

✓ *nine* If ~~eight~~ checkoffs exist, not including temporary checkoffs, only the top six checkoffs, in terms of designations received, may appear on the tax form for the next three years, and the seventh place on the tax form will be taken by a checkoff that hasn't received any designations during the previous three-year period.

If more than ~~seven~~ checkoffs exist, not including temporary checkoffs, only the top five checkoffs, in terms of designations received, may appear on the tax form for the next three years, and the sixth and seventh places on the tax form will be taken by checkoffs that haven't received any designations during the previous three-year period. ✓ The new checkoffs that appear on the form will be selected by the legislature.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 ~~SECTION 1. 71.10 (3) (a) of the statutes is amended to read:~~

2 ~~71.10 (3) (a) Every Subject to sub. (5s), every individual filing an income tax~~  
3 ~~return who has a tax liability or is entitled to a tax refund may designate \$1 for the~~  
4 ~~Wisconsin election campaign fund for the use of eligible candidates under s. 11.50.~~  
5 ~~If the individuals filing a joint return have a tax liability or are entitled to a tax~~  
6 ~~refund, each individual may make a designation of \$1 under this subsection.~~

7 ~~SECTION 2. 71.10 (5) (b) 1. of the statutes is amended to read:~~

8 ~~71.10 (5) (b) 1. 'Designation on return.' Any Subject to sub. (5s), any individual~~  
9 ~~filing an income tax return may designate on the return any amount of additional~~  
10 ~~payment or any amount of a refund due that individual for the endangered resources~~  
11 ~~program.~~

12 ~~SECTION 3. 71.10 (5) (g) of the statutes, as affected by 2007 Wisconsin Act 20,~~  
13 ~~is amended to read:~~

## ASSEMBLY BILL 824

1        71.10 (5) (g) *Tax return*. The secretary of revenue shall provide a place for the  
2        designations under this subsection on the individual income tax return<sup>✓</sup> and, on forms  
3        ~~printed by the department of revenue, the secretary shall highlight that place on the~~  
4        ~~return by a symbol chosen by the department of revenue that relates to endangered~~  
5        ~~resources.~~<sup>✓</sup>

6        **SECTION 4.** 71.10 (5e) (b) 1. of the statutes is amended to read:<sup>✓</sup>

7        71.10 (5e) (b) 1. 'Designation on return.' ~~Every~~ Subject to sub. (5s)<sup>✓</sup>, every  
8        individual filing an income tax return who has a tax liability or is entitled to a tax  
9        refund may designate on the return any amount of additional payment or any  
10       amount of a refund due that individual as a football donation.

11       **SECTION 5.** 71.10 (5e) (g) of the statutes, as affected by 2007 Wisconsin Act 20,<sup>✓</sup>  
12       is amended to read:

13       71.10 (5e) (g) *Tax return*. The secretary of revenue shall provide a place for the  
14       designations under this subsection on the individual income tax return<sup>✓</sup>, and, on  
15       ~~forms printed by the department of revenue, the secretary shall highlight that place~~  
16       ~~on the return by a symbol chosen by the department that relates to a football~~  
17       ~~stadium, as defined in s. 229.821 (6).~~<sup>✓</sup>

18       **SECTION 6.** 71.10 (5f) (b) 1. of the statutes is amended to read:<sup>✓</sup>

19       71.10 (5f) (b) 1. 'Designation on return.' ~~Every~~ Subject to sub. (5s)<sup>✓</sup>, every  
20       individual filing an income tax return who has a tax liability or is entitled to a tax  
21       refund may designate on the return any amount of additional payment or any  
22       amount of a refund due that individual for the breast cancer research program.

23       **SECTION 7.** 71.10 (5g) (b) 1. of the statutes is amended to read:

24       71.10 (5g) (b) 1. 'Designation on return.' ~~Every~~ Subject to sub. (5s)<sup>✓</sup>, every  
25       individual filing an income tax return who has a tax liability or is entitled to a tax



## ASSEMBLY BILL 824

## SECTION 7

1 refund may designate on the return any amount of additional payment or any  
 2 amount of a refund due that individual as a veterans trust fund donation.

3 **SECTION 8.** 71.10 (5m) (b) 1. of the statutes is amended to read:

4 71.10 (5m) (b) 1. 'Designation on return.' Every Subject to sub. (5s), every  
 5 individual filing an income tax return who has a tax liability or is entitled to a tax  
 6 refund may designate on the return any amount of additional payment or any  
 7 amount of a refund due that individual for programs for people with multiple  
 8 sclerosis.

9 **SECTION 9.** 71.10 (5s) of the statutes is created to read:

10 71.10 (5s) LIMITATIONS ON CHECKOFFS. (a) For taxable years beginning after  
 11 December 31, ~~2007~~ 2011, individuals may not have the option of making a designation to  
 12 more than 7 individual income checkoffs and the department may not place more  
 13 than 7 checkoffs on the tax income form. If a checkoff is created for taxable years  
 14 beginning after December 31, ~~2007~~ 2011, and before January 1, ~~2012~~ 2015, the department may  
 15 not place it on the form, and no designations may be made to the checkoff, for a  
 16 taxable year that begins before January 1, ~~2007~~ 2015. The limitations in this paragraph  
 17 do not apply to the checkoff under sub. (5fm).

18 (b) For taxable years beginning after December 31, ~~2007~~ 2011, there may be no  
 19 individual income tax checkoffs of a temporary nature other than the checkoff under  
 20 sub. (5fm).

21 (c) Beginning in September ~~2011~~ 2014, based on the amounts certified by the  
 22 secretary of revenue in August or September ~~2011, 2012, 2013, and 2014~~ 2014, as specified in  
 23 subs. (3) (b), (5) (h), (5e) (h), (5f) (h), (5g) (h), (5h) (h), and (5m) (h), and for every  
 24 3-year period thereafter, the secretary of revenue shall rank the checkoffs based on  
 25 the total amount of designations received for each checkoff for each 3-year period.

## ASSEMBLY BILL 824

1 For each 3-year period, beginning with ~~2007~~<sup>2014</sup>, the secretary of revenue shall rank  
2 every checkoff that is created under this section.

3 (d) Subject to par. (e), if ~~8~~<sup>9</sup> checkoffs exist under this section after August 14,  
4 ~~2007~~<sup>2014</sup>, and every 3 years thereafter, not including the checkoff under sub. (5fm), only  
5 the 6 highest ranking checkoffs for which designations were made in the previous  
6 3-year period may appear on the income tax form for the next 3 taxable years. If a  
7 checkoff has not received any designations during the previous 3-year period, that  
8 checkoff may appear on the income tax form for the next 3 taxable years in place of  
9 the lowest ranking checkoff.

10 (e) 1. If more than ~~8~~<sup>9</sup> checkoffs exist under this section after August 14, ~~2007~~<sup>2014</sup>,  
11 and every 3 years thereafter, not including the checkoff under sub. (5fm), only the  
12 5 highest ranking checkoffs for which designations were made in the previous 3-year  
13 period may appear on the income tax form for the next 3 taxable years.

14 2. The remaining 2 checkoffs for which designations may be made and which  
15 shall be placed on the income tax form for the next 3 years, in place of the 2 lowest  
16 ranking checkoffs, shall be checkoffs that have not received any designations during  
17 the previous 3-year period.

18 3. The 2 remaining checkoffs, described under subd. 2., shall be selected by joint  
19 resolution adopted by both houses of the legislature no later than August 1 of the year  
20 before the year in which they are to appear on the income tax form.

21

(END)

INS  
5-20

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2507/?ins  
MES.....

INS 4-2

X

**SECTION 1.** 71.10 (5h) (b) 1. of the statutes is amended to read:

71.10 **(5h)** (b) 1. 'Designation on return.' ~~Every Subject to~~ <sup>Sub.</sup> (5s), every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate on the return any amount of additional payment or any amount of a refund due that individual for the prostate cancer research program.

**History:** 1987 a. 312; 1987 a. 411 ss. 94, 97, 176 to 179; 1987 a. 422 s. 4; 1989 a. 31, 56, 359; 1991 a. 39; 1993 a. 16, 184; 1995 a. 27, 209, 418, 453; 1997 a. 27, 63, 237, 248; 1999 a. 9, 167; 2001 a. 16, 109; 2003 a. 33, 99, 135, 176, 255, 321; 2005 a. 25, 49, 71, 74, 177, 178, 323, 361, 460, 479, 483; 2007 a. 1, 20, 96, 97; 2009 a. 2, 28, 89, 265, 269, 295, 332; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

X

**SECTION 2.** 71.10 (5i) (b) 1. of the statutes is amended to read:

71.10 **(5i)** (b) 1. 'Designation on return.' ~~Every Subject to~~ <sup>Sub.</sup> (5s), every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate on the return any amount of additional payment or any amount of a refund due that individual for the military family relief fund.

**History:** 1987 a. 312; 1987 a. 411 ss. 94, 97, 176 to 179; 1987 a. 422 s. 4; 1989 a. 31, 56, 359; 1991 a. 39; 1993 a. 16, 184; 1995 a. 27, 209, 418, 453; 1997 a. 27, 63, 237, 248; 1999 a. 9, 167; 2001 a. 16, 109; 2003 a. 33, 99, 135, 176, 255, 321; 2005 a. 25, 49, 71, 74, 177, 178, 323, 361, 460, 479, 483; 2007 a. 1, 20, 96, 97; 2009 a. 2, 28, 89, 265, 269, 295, 332; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

X

**SECTION 3.** 71.10 (5j) (b) 1. of the statutes is amended to read:

71.10 **(5j)** (b) 1. 'Designation on return.' ~~Every Subject to~~ <sup>Sub.</sup> (5s), every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate on the return any amount of additional payment or any amount of a refund due that individual for Second Harvest.

**History:** 1987 a. 312; 1987 a. 411 ss. 94, 97, 176 to 179; 1987 a. 422 s. 4; 1989 a. 31, 56, 359; 1991 a. 39; 1993 a. 16, 184; 1995 a. 27, 209, 418, 453; 1997 a. 27, 63, 237, 248; 1999 a. 9, 167; 2001 a. 16, 109; 2003 a. 33, 99, 135, 176, 255, 321; 2005 a. 25, 49, 71, 74, 177, 178, 323, 361, 460, 479, 483; 2007 a. 1, 20, 96, 97; 2009 a. 2, 28, 89, 265, 269, 295, 332; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

X

**SECTION 4.** 71.10 (5k) (b) 1. of the statutes, as created by 2011 Wisconsin Act

32, is amended to read:

71.10 **(5k)** (b) 1. 'Designation on return.' ~~Every Subject to~~ <sup>Sub.</sup> (5s), every individual filing an income tax return who has a tax liability or is entitled to a tax refund may



designate on the return any amount of additional payment or any amount of a refund due that individual for the Badger Chapter.

(end ins 4-2)

**History:** 1987 a. 312; 1987 a. 411 ss. 94, 97, 176 to 179; 1987 a. 422 s. 4; 1989 a. 31, 56, 359; 1991 a. 39; 1993 a. 16, 184; 1995 a. 27, 209, 418, 453; 1997 a. 27, 63, 237, 248; 1999 a. 9, 167; 2001 a. 16, 109; 2003 a. 33, 99, 135, 176, 255, 321; 2005 a. 25, 49, 71, 74, 177, 178, 323, 361, 460, 479, 483; 2007 a. 1, 20, 96, 97; 2009 a. 2, 28, 89, 265, 269, 295, 332; 2011 a. 32; s. 13.92 (1) (bm) 2., (2) (i).

INS 5-20

**SECTION 5.** 71.30 (10) (g) of the statutes is amended to read:

71.30 (10) (g) *Tax return.* The secretary of revenue shall provide a place for the designations under this subsection on the corporate income and franchise tax returns <sup>plain</sup> ~~and the secretary shall highlight that place on the returns by a symbol chosen by the department that relates to endangered resources.~~

**History:** 1987 a. 312; 1987 a. 411 ss. 144, 145, 182 to 185; 1989 a. 31, 56; 1991 a. 39; 1995 a. 27, 209; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33, 99, 135, 255; 2005 a. 25, 74, 361, 479, 483; 2007 a. 20, 226; 2009 a. 2, 28, 265, 269, 295, 332; 2011 a. 3, 32; s. 13.92 (1) (bm) 2., (2) (i).

**SECTION 6.** 71.30 (11) (g) of the statutes is amended to read:

71.30 (11) (g) *Tax return.* The secretary of revenue shall provide a place for the designations under this subsection on the corporate income and franchise tax returns <sup>plain</sup> ~~and the secretary shall highlight that place on the returns by a symbol chosen by the department of veterans affairs that relates to veterans.~~

**History:** 1987 a. 312; 1987 a. 411 ss. 144, 145, 182 to 185; 1989 a. 31, 56; 1991 a. 39; 1995 a. 27, 209; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33, 99, 135, 255; 2005 a. 25, 74, 361, 479, 483; 2007 a. 20, 226; 2009 a. 2, 28, 265, 269, 295, 332; 2011 a. 3, 32; s. 13.92 (1) (bm) 2., (2) (i).

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No ☐

**For Division Use:**

Assigned to: Marcy Stock	Date: August 16, 2011	Due Date:
Prepared by: Marcy Stock	Date: August 16, 2011	(analysis should generally be prepared within 1 week of assignment)
Reviewed by:	Date:	

- Section 71.10 (5s) states that for taxable years beginning after December 31, 2011, the department may not place more than 7 check-offs (not including temporary check-offs) on the tax form. Since there currently are 10 check-offs for 2011 (9 permanent and 1 temporary), how is it to be determined which two would not be on the 2012 - 2014 forms? A ranking over 3 years would not give a good indication as some of the check-offs have only been available for 1 or 2 years. (Or should the 7 be changed to 9, the number of permanent check-offs currently available? This would also take care of the problem in the next bullet point.)
- Section 71.10(5s)(e)3 provides that the legislature selects the two replacement check-offs when there are *more than* 9 check-offs. Who is to select the replacement check-off when there are *exactly* 9 check-offs? For example, under this bill there would be 7 check-offs for 2014. Only the lowest would be replaced by one that has not previously received designations. There could be two that have not previously received designations. Who would decide which one would be on the form?
- What is the intent when check-offs are removed from the tax return and replaced? Are they gone forever or do they go on the list to be considered after the next 3-year period? This should be clarified.

5. **Effective date problems, if any, including transitional problems:**      x   **Yes**           **No**  
(If yes, describe problem and suggested effective date or transitional language needed.)

There is no initial applicability date for deleting the highlighting of the symbols. That would mean it would be effective day after publication. This would be okay if published during 2011 before the forms went to print in October. It would be a problem if published late in the year. If published after October 1, 2011, it would be better to have those provisions effective for taxable years beginning in 2012.

DRAFT



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2507/V  
MES:jld:rs

Today

2011 BILL

RMR  
E. J. F.

repen

1 AN ACT *to amend* 71.10 (5) (b) 1., 71.10 (5) (g), 71.10 (5e) (b) 1., 71.10 (5e) (g),  
2 71.10 (5f) (b) 1., 71.10 (5g) (b) 1., 71.10 (5h) (b) 1., 71.10 (5i) (b) 1., 71.10 (5j) (b)  
3 1., 71.10 (5k) (b) 1., 71.10 (5m) (b) 1., 71.30 (10) (g) and 71.30 (11) (g); and *to*  
4 *create* 71.10 (5s) of the statutes; **relating to:** limiting the number of individual  
5 income tax checkoffs.

***Analysis by the Legislative Reference Bureau***

Under current law, an individual income tax check-off procedure exists that allows an individual who files a return to designate any amount of additional payment or any amount of a refund due for the endangered resources program. Similar checkoffs exist to provide payments to several other programs, including a veterans trust fund, prostate cancer research, multiple sclerosis programs, a fire fighters memorial, which is temporary and expires after \$400,000 is designated, and a breast cancer research program, and to provide a donation to a professional football stadium district.

X For taxable years beginning after December 31, 2011, taxpayers may not have the opportunity to make such a designation to more than ~~seven~~ checkoffs, not including temporary checkoffs, and no temporary checkoffs may be created after December 31, 2011. The bill also prohibits the Department of Revenue (DOR) from placing more than ~~seven~~ checkoffs on the income tax form, and repeals the current law provision that requires DOR to highlight certain checkoffs with a symbol. If any checkoff is created after December 31, 2011, and before January 1, 2015, it may not

(10) = ten

(10)  
ten

Other than a checkoff created in a bill that is introduced in both houses of the legislature before June 1, 2011,

**BILL**

appear on the tax form, and no designations may be made to the checkoff, before January 1, 2015.

Beginning in September 2014, and every three years thereafter, the bill requires the secretary of revenue to rank the checkoffs in order of the amount of designations received during the previous three-year period.

If nine checkoffs exist, not including temporary checkoffs, only the top six checkoffs, in terms of designations received, may appear on the tax form for the next three years, and the seventh place on the tax form will be taken by a checkoff that hasn't received any designations during the previous three-year period.

If more than ~~nine~~ checkoffs exist, not including temporary checkoffs, only the top ~~five~~ checkoffs, in terms of designations received, may appear on the tax form for the next three years, and the ~~sixth~~ and ~~seventh~~ places on the tax form will be taken by checkoffs that haven't received any designations during the previous three-year period. The new checkoffs that appear on the form will be selected by the legislature ~~from among all checkoffs authorized by law~~.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

SECTION 1. 71.10 (5) (b) 1. of the statutes is amended to read:

71.10 (5) (b) 1. 'Designation on return.' Any Subject to sub. (5s), any individual filing an income tax return may designate on the return any amount of additional payment or any amount of a refund due that individual for the endangered resources program.

SECTION 2. 71.10 (5) (g) of the statutes is amended to read:

71.10 (5) (g) *Tax return.* The secretary of revenue shall provide a place for the designations under this subsection on the individual income tax return and, on forms printed by the department of revenue, the secretary shall highlight that place on the return by a symbol chosen by the department of revenue that relates to endangered resources.

SECTION 3. 71.10 (5e) (b) 1. of the statutes is amended to read:



**BILL**

1           71.10 (5e) (b) 1. 'Designation on return.' ~~Every Subject to sub. (5s), every~~  
2 individual filing an income tax return who has a tax liability or is entitled to a tax  
3 refund may designate on the return any amount of additional payment or any  
4 amount of a refund due that individual as a football donation.

5           **SECTION 4.** 71.10 (5e) (g) of the statutes is amended to read:

6           71.10 (5e) (g) *Tax return.* The secretary of revenue shall provide a place for the  
7 designations under this subsection on the individual income tax return, ~~and, on~~  
8 ~~forms printed by the department of revenue, the secretary shall highlight that place~~  
9 ~~on the return by a symbol chosen by the department that relates to a football~~  
10 ~~stadium, as defined in s. 229.821 (6).~~

11          **SECTION 5.** 71.10 (5f) (b) 1. of the statutes is amended to read:

12          71.10 (5f) (b) 1. 'Designation on return.' ~~Every Subject to sub. (5s), every~~  
13 individual filing an income tax return who has a tax liability or is entitled to a tax  
14 refund may designate on the return any amount of additional payment or any  
15 amount of a refund due that individual for the breast cancer research program.

16          **SECTION 6.** 71.10 (5g) (b) 1. of the statutes is amended to read:

17          71.10 (5g) (b) 1. 'Designation on return.' ~~Every Subject to sub. (5s), every~~  
18 individual filing an income tax return who has a tax liability or is entitled to a tax  
19 refund may designate on the return any amount of additional payment or any  
20 amount of a refund due that individual as a veterans trust fund donation.

21          **SECTION 7.** 71.10 (5h) (b) 1. of the statutes is amended to read:

22          71.10 (5h) (b) 1. 'Designation on return.' ~~Every Subject to sub. (5s), every~~  
23 individual filing an income tax return who has a tax liability or is entitled to a tax  
24 refund may designate on the return any amount of additional payment or any  
25 amount of a refund due that individual for the prostate cancer research program.

**BILL****SECTION 8**

✓  
1       **SECTION 8.** 71.10 (5i) (b) 1. of the statutes is amended to read:

2       71.10 **(5i)** (b) 1. 'Designation on return.' ~~Every~~ Subject to sub. (5s), every  
3 individual filing an income tax return who has a tax liability or is entitled to a tax  
4 refund may designate on the return any amount of additional payment or any  
5 amount of a refund due that individual for the military family relief fund.

6       **SECTION 9.** 71.10 (5j) (b) 1. of the statutes is amended to read: ✓

7       71.10 **(5j)** (b) 1. 'Designation on return.' ~~Every~~ Subject to sub. (5s), every  
8 individual filing an income tax return who has a tax liability or is entitled to a tax  
9 refund may designate on the return any amount of additional payment or any  
10 amount of a refund due that individual for Second Harvest.

11       **SECTION 10.** 71.10 (5k) (b) 1. of the statutes, as created ✓ by 2011 Wisconsin Act  
12 32, is amended to read:

13       71.10 **(5k)** (b) 1. 'Designation on return.' ~~Every~~ Subject to sub. (5s), every  
14 individual filing an income tax return who has a tax liability or is entitled to a tax  
15 refund may designate on the return any amount of additional payment or any  
16 amount of a refund due that individual for the Badger Chapter.

17       **SECTION 11.** 71.10 (5m) (b) 1. of the statutes is amended to read: ✓

18       71.10 **(5m)** (b) 1. 'Designation on return.' ~~Every~~ Subject to sub. (5s), every  
19 individual filing an income tax return who has a tax liability or is entitled to a tax  
20 refund may designate on the return any amount of additional payment or any  
21 amount of a refund due that individual for programs for people with multiple  
22 sclerosis.

23       **SECTION 12.** 71.10 (5s) of the statutes is created to read: ✓

24       71.10 **(5s)** LIMITATIONS ON CHECKOFFS. (a) For taxable years beginning after  
25 December 31, 2011, individuals may not have the option of making a designation to

**BILL****SECTION 12**

*Does not apply to a checkoff created in a bill that is introduced in both houses of the legislature before June 1, 2011*

more than <sup>10</sup> individual income checkoffs and the department may not place more than <sup>10</sup> checkoffs on the tax income form. If a checkoff is created for taxable years beginning after December 31, 2011, and before January 1, 2015, the department may not place it on the form, and no designations may be made to the checkoff, for a taxable year that begins before January 1, 2015, *except that this limitation*. The limitations in this paragraph do not apply to the checkoff under sub. (5fm).

(b) For taxable years beginning after December 31, 2011, there may be no individual income tax checkoffs of a temporary nature other than the checkoff under sub. (5fm).

(c) Beginning in September 2014, based on the amounts certified by the secretary of revenue in August or September 2012, 2013, and 2014, as specified in subs. (5) (h), (5e) (h), (5f) (h), (5g) (h), (5h) (h), (5i) (h), (5j) (h), (5k) (h), and (5m) (h), and for every 3-year period thereafter, the secretary of revenue shall rank the checkoffs based on the total amount of designations received for each checkoff for each 3-year period. For each 3-year period, beginning with 2014, the secretary of revenue shall rank every checkoff that is created under this section.

*more than 10*

(d) Subject to par. (e), if <sup>more than 10</sup> checkoffs exist under this section after August 14, 2014, and every 3 years thereafter, not including the checkoff under sub. (5fm), only the <sup>6</sup> highest ranking checkoffs for which designations were made in the previous 3-year period may appear on the income tax form for the next 3 taxable years. If a checkoff has not received any designations during the previous 3-year period, that checkoff may appear on the income tax form for the next 3 taxable years in place of the lowest ranking checkoff.

*10*

(d) ~~AM~~ 1. If more than <sup>10</sup> checkoffs exist under this section after August 14, 2014, and every 3 years thereafter, not including the checkoff under sub. (5fm), only the

**BILL**

1 <sup>6</sup>  
2 highest ranking checkoffs for which designations were made in the previous 3-year  
3 period may appear on the income tax form for the next 3 taxable years.

4 2. The remaining 2 checkoffs for which designations may be made and which  
5 shall be placed on the income tax form for the next 3 years, in place of the 2 lowest  
6 ranking checkoffs, shall be checkoffs that have not received any designations during  
7 the previous 3-year period.

8 3. The 2 remaining checkoffs, described under subd. 2., shall be selected by joint  
9 resolution adopted by both houses of the legislature no later than August 1 of the year  
10 before the year in which they are to appear on the income tax form. *The legislature may  
select any checkoff that is authorized under this section.*  
11 **SECTION 13.** 71.30 (10) (g) of the statutes is amended to read:

12 71.30 (10) (g) *Tax return.* The secretary of revenue shall provide a place for the  
13 designations under this subsection on the corporate income and franchise tax  
14 returns ~~and the secretary shall highlight that place on the returns by a symbol  
chosen by the department that relates to endangered resources.~~

15 **SECTION 14.** 71.30 (11) (g) of the statutes is amended to read:

16 71.30 (11) (g) *Tax return.* The secretary of revenue shall provide a place for the  
17 designations under this subsection on the corporate income and franchise tax  
18 returns ~~and the secretary shall highlight that place on the returns by a symbol  
chosen by the department of veterans affairs that relates to veterans.~~

19  
20 *END*



**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2507/lins  
MES:jld:rs

**SECTION 1. Initial applicability.**

- (1) This act first applies to taxable years beginning after December 31, 2011.

(END)

**Parisi, Lori**

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**From:** Buschman, Sara

**Sent:** Wednesday, August 31, 2011 12:52 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-2507/2 Topic: Limit the number of individual income tax checkoffs

Please Jacket LRB 11-2507/2 for the ASSEMBLY.

8/31/2011